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10/815,685

04/02/2004

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EXAMINER

CANTELMO, GREGG

ART UNIT

PAPER NUMBER

1745

MAIL DATE

DELIVERY MODE

06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,685

Applicant(s)

MAGNERON, FREDERIC

Examiner

Gregg Cantelmo

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 6-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date SEE OFFICE ACTION.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-5 in the reply filed on April 23, 2007 is acknowledged. Claims 6-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 23, 2007.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statements filed April 2, 2004 and December 20, 2004 have been placed in the application file and the information referred to therein has been considered as to the merits.

The references cited in the Search Report received on December 20, 2004 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office action.

Drawings

4. Figures 3 and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Figs. 3-4 are described as prior art in the disclosure and therefore appear to be prior art and should be labeled appropriately.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

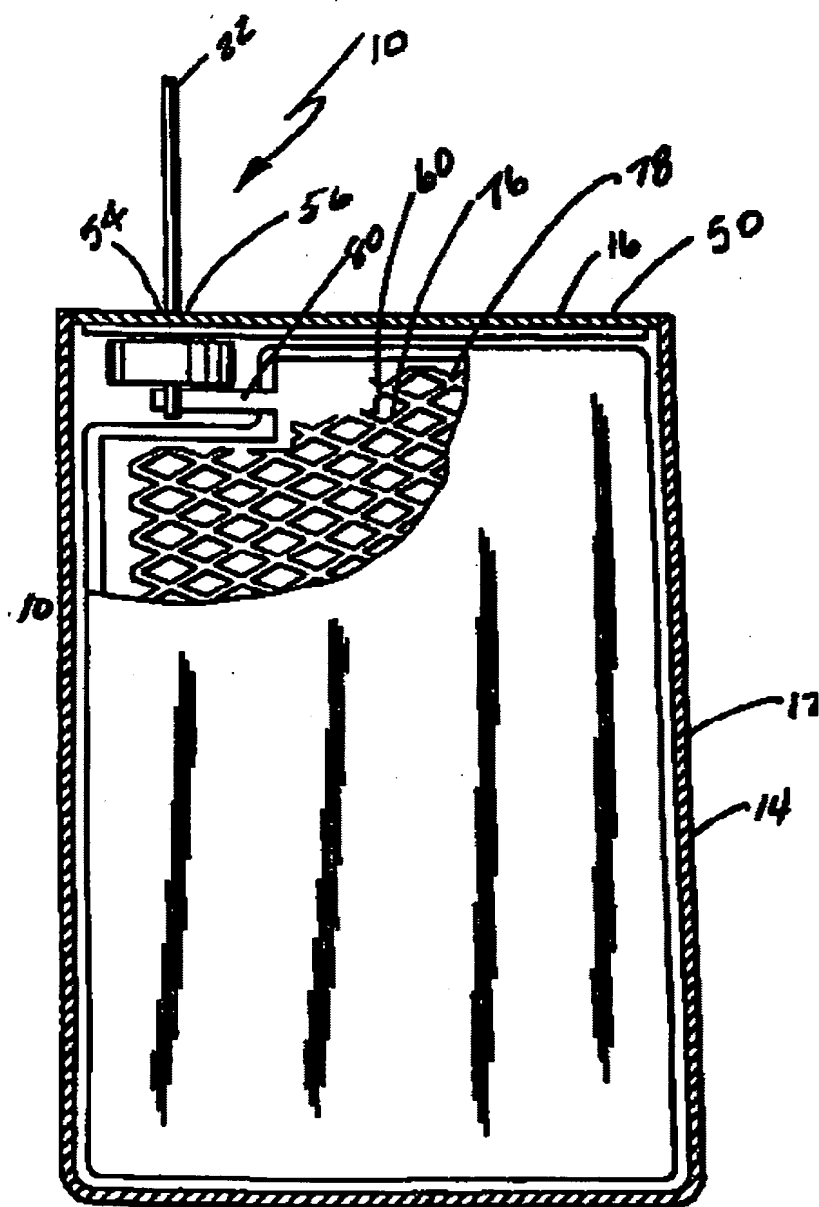
5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP A 2002-373641 (JP '641).

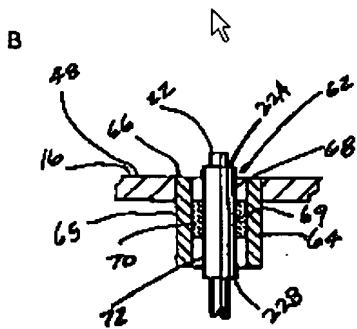
JP '641 discloses a system for electric coupling of a plane connection 80 on a current output terminal comprising a tubular conducting slug 22, wherein said connection 80 comprises a hole and in that said connection is fixed on a transversal section of said slug 22 in such a manner as to cause this hole to electrically communicate with the inside of said tube (Figs. 2 applied to claims 1 and 3). The

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connection is welded to said slug (applied to claim 2). In one embodiment, the slug is provided with an outer sleeve 69 and inner separate portion 22 (see Figs. 3, 4 and 6) wherein the extended portion 22 would be the part in electrical communication with the lead from the electrochemical cell. Thus in employing the sleeved terminal in the lower figure into the battery of Fig. 2, the inner portion 22 would be the portion which would communicate with the opening in the lead 80 (as applied to claims 1 and 3). The arrangement in the lower figure includes a surrounding annular glass seal 69 (as applied to claim 4).

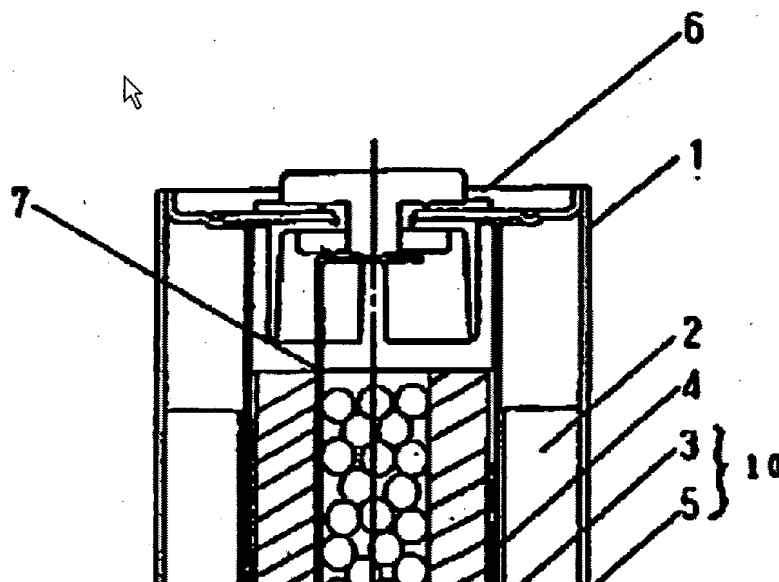
【図2】





6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-153368 A (JP '368).

JP '368 discloses a system for electric coupling of a plane connection 7 on a current output terminal comprising a tubular conducting slug, wherein said connection 7 comprises a hole and in that said connection is fixed on a transversal section of said slug in such a manner as to cause this hole to communicate with the inside of said tube (Fig. 1 below applied to claim 1). The connection 7 is welded to said slug (as applied to claim 2).

【☒ 1】

Allowable Subject Matter

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record appear to reasonably teach, suggest or render obvious the complete teachings of claim 5 including the relationship wherein the internal diameter of the hole of the plane connection is smaller than the internal diameter of the slug.

At best each of the prior art references above teach of the slug being the same or larger than the plane connection hole and there is no reasonable teaching by either of these references or by the remaining prior art of record to provide for this relationship.

According to the specification, "After introduction of the electrolyte into the electrochemical generator, the internal channel of the slug is closed using a metal rod. Advantageously the internal diameter of the hole of the connection is smaller than the internal diameter of the slug. Thus the metal rod is retained and does not fall into the generator. There is therefore no need to crimp or caulk the rod in order to hold it in place during the production of the closing weld."

Thus the diameter relationship of claim 5 provides for an advantageous configuration which is not, taught, suggested or rendered obvious by the prior art of record and is held to be allowable subject matter.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 2001110372 A discloses a tubular conducting slug having a hole and a conductive insert disposed therein. However the insert is shorter than the length of the tubular slug (see Figs. 1, 4 and 6). Thus any plane connection there is connected to the side of the slug as shown in Fig. 6 and not in the manner recited in claims 1-5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is 571-272-1283. The examiner can normally be reached on Monday to Thursday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



gc
June 4, 2007

Gregg Cantelmo
Primary Examiner
Art Unit 1745